

STATE OF FLORIDA

FILE COPY

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(904) 413-6900

Public Service Commission

February 17, 1997

Ms. Carol Cassidy Rhinehart
Orchid Springs Development Corp Water and Sewer
710 Overlook Drive
Winter Haven, Florida 33884

Dear Ms. Rhinehart:

Re: Docket No. 970158-WS; Application for a grandfather certificate to operate a water and sewer utility in Polk County by Orchid Springs Development Corp. Water and Sewer

Dear Ms. Rhinehart:

Our review of your application indicates that additional information is needed to complete the minimum filing requirements for the above referenced application. Your assistance in this regard is requested.

First, Item C) of Part I (page 2) was not answered. Please identify whether Orchid Springs is a corporation, a partnership, a sole proprietorship, or other business entity. Is the utility system a division of Orchid Springs or a separately incorporated business?

Second, Orchid Springs paid \$500 as the filing fee for water service and \$500 for wastewater service. Referring to Exhibit B, this document indicates that the ERC number exceeds 500 equivalent residential connections. This detail indicates that the correct filing fee is \$1,000 for water service and \$1,000 for wastewater service. Therefore, an additional \$1,000 filing fee is needed for this proceeding.

Third, as required by Rule 25-30.035(9), Florida Administrative Code (FAC), the utility must provide a description, using township, range, and section reference as specified in Rule 25-30.030(2), of the territory it was serving or was authorized to serve by the county which had jurisdiction over the utility on the day Chapter 367, Florida Statutes became effective. Although a description was provided, it does not satisfy the Rule language since it refers to Lots and Plat books. Accordingly, please prepare a corrected description of the service area. We have

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- DPC _____
- RCH _____
- SEC _____
- MAS _____
- DTH _____

DATE

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FPSC-RECORDS/REPORTING

Ms. Carol Cassidy Rhinehart

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attached a document entitled "Instructions For Preparation of Territory Description and Map" for your convenience.

Next, as required by Rule 25-30.035(6), FAC, the utility must provide evidence that it owns the land upon which its treatment facilities are located or proof that extended usage of those sites is assured. Orchid Springs filed a copy of its tax assessment (Exhibit C). Further collaboration of utility's ownership is needed. Staff needs a warranty deed, title insurance, or an opinion of title from an attorney for the property. If you have any questions, please contact Ms. Alice Crosby at (904) 413-6222.

Last, as required by Rule 25-30.035(10), FAC, the utility must provide one copy of the official county tax map or other map showing township, range, and section, with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning. Although a county map was provided, the description was not plotted on the map. Accordingly, please plot the territory's description on a map and submit the updated information. If available, please send us a copy of the proposed territory description in Word Perfect 5.1 for Dos format or similar format on a 3 1/2 inch diskette.

Please file an original and five copies of the requested information no later than March 17, 1997. This information should be addressed to: Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399. Thank you for your assistance concerning these matters. Please call me at (904) 413-6924 if you have any questions.

Respectfully,



Norvell D. Walker
Accounting Analyst

NDW:ndw

Enclosure

cc: Division of Records and Reporting (Bayo)
Division of Legal Services (Crosby)
Division of Water and Wastewater (Redemann)

FLORIDA PUBLIC SERVICE COMMISSION

INSTRUCTIONS FOR PREPARATION OF TERRITORY DESCRIPTION AND MAP

An accurate description of the territory served or proposed to be served is essential. The noticing requirement in Rule 25-30, Florida Administrative Code, and the territory description requirement for each of the certification applications require the territory to be described using township, range and land sections. Failure to use the required format will cause your application to be delayed and may result in your having to renotice. The following information is provided to assist you in preparing a correct legal description and plotting that territory on the service territory map.

TERRITORY DESCRIPTION

The territory description must contain the following:

- 1) A reference to a township(s), range(s), land section(s) and county.
- 2) A complete and accurate description of the territory served or proposed to be served. There are two acceptable formats which may be used.
 - a) Sections - If the territory includes complete sections, the description may only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.
 - b) Metes and Bounds - A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. Also, the description shall include all bearings and distances necessary to provide a continuous description.
- 3) References to interstates, state roads, and major bodies of water are acceptable.
- 4) References to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments are not acceptable.

Acceptable territory description formats are shown in the attached Examples 1 and 2.

Territory maps are required in the Florida Administrative Code rules related to applications for original certificates, amendments, grandfather certificates, and in transfers to a governmental agency where only a portion of the territory is transferred. The map is used by staff to verify the location of the existing or proposed territory. The territory maps should not be confused with the system depiction map which is used to locate existing or proposed service lines and facilities.

TERRITORY MAPS

The territory map shall contain the following:

- 1) Territory shall be plotted on a Department of Transportation Map, County tax assessor map or any other map with a scale of 1" = 200 ft. or 1" = 400 ft.
- 2) Township, range, section, and county.
- 3) An accurate depiction of the existing or proposed territory. The map should clearly distinguish the existing versus the proposed territory.

An example of a acceptable territory map is attached as Example 3.

FORMAT TO BE FOLLOWED IN PREPARING TERRITORY DESCRIPTIONS. EXAMPLE 1 IS PREFERRED OVER METES AND BOUNDS IN EXAMPLE 2.

EXAMPLE 1

Township 26 South, Range 29 East, Osceola County, Florida

Section 18

The South 1/2 of the Southeast 1/4 and the South 1/2 of the North 1/2 of the Southeast 1/4 of said Section 18

also

The East 1/2 of the Southeast 1/4 of the South West 1/4 and the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 18

Section 19

The North 1/2 of the Northeast 1/4 and the North 1/2 of the South 1/2 of the Northeast 1/4 of said Section 19

also

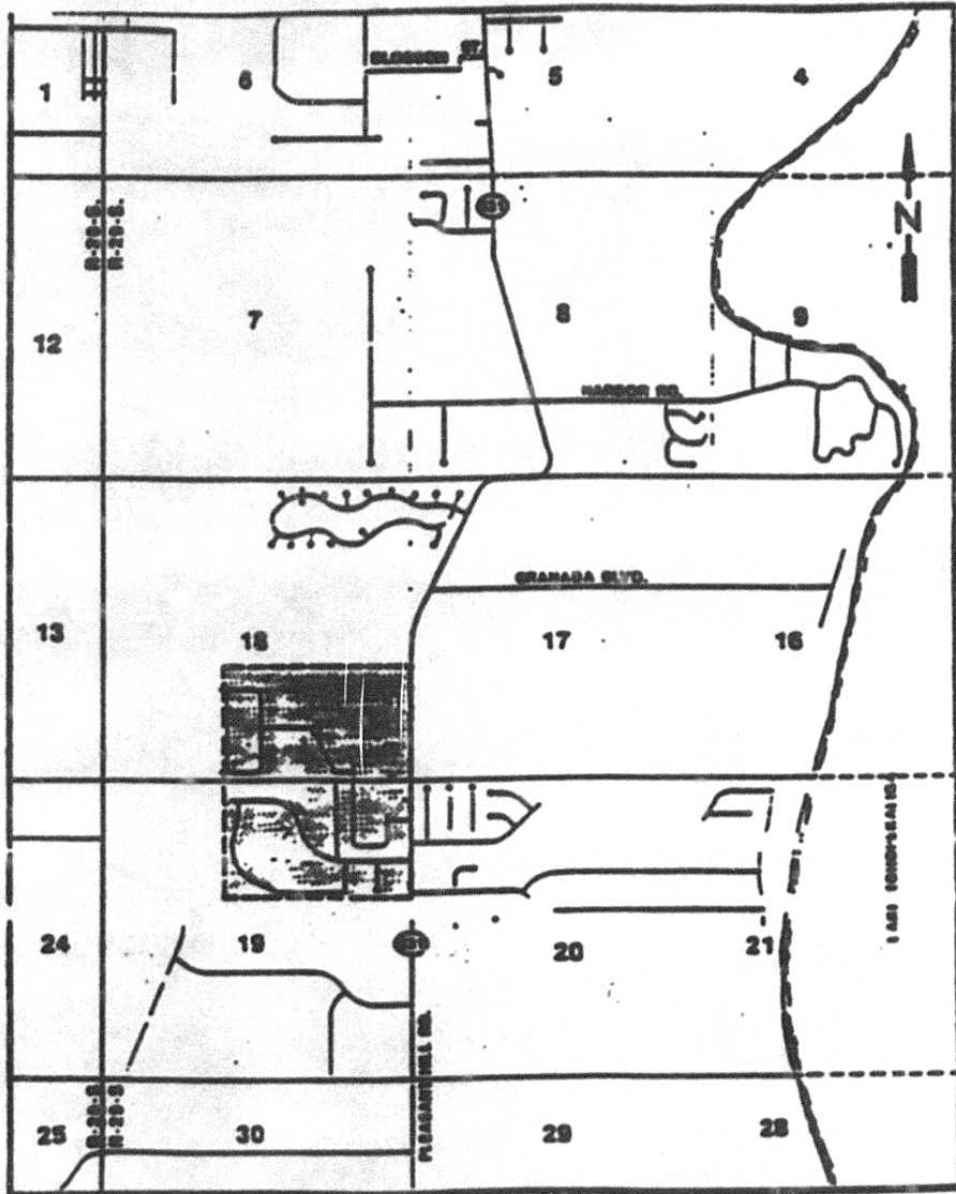
The East 1/2 of the Northeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 19

EXAMPLE 2

A portion of Section 18 and 19, Township 26 South, Range 29 East, Osceola County Florida; being more particularly described as follows: Commencing at the SE corner of Section 18, this point also being the Point of Beginning; thence run due south along the east line of Section 19 a distance of 1980 feet to a point; thence run due west a distance of 2706 feet to a point; thence run due north a distance of 3960 feet to a point; thence run due east a distance of 2706 feet to a point of east line of Section 18; thence run due south along the east line of Section 18 a distance of 1980 feet to the Point of Beginning.

EXAMPLE 3

TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA



State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYÓ
DIRECTOR
(904) 413-6770

Public Service Commission

February 5, 1997

Carol Cassidy Rhinehart
Orchid Springs Development Corp. Water & Sewer
710 Overlook Drive
Winter Haven, Florida 33884

RE: Docket No. 970158-WS

Dear Ms. Rhinehart:

This will acknowledge receipt of an application for grandfather certificate to operate a water and sewer utility in Polk County, by Orchid Springs Development Corp. Water and Sewer, which was filed in this office on February 4, 1997 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Division of Records and Reporting
Florida Public Service Commission

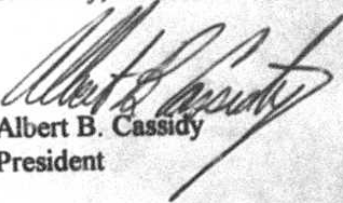
Charles Hill, Director
January 29, 1997
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The original and five copies of the applications and supporting documentation, one copy of the maps and the original and two copies of the tariff(s) must be filed with:

**Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**

If you have any questions concerning this material, please feel free to contact myself or Carol C. Rhinehart, at 941/324-3698.

Sincerely,



Albert B. Cassidy
President

ABC:ccr
Enclosures